



THURROCK POWER LIMITED

THE THURROCK FLEXIBLE GENERATION PLANT DEVELOPMENT CONSENT ORDER 2022

APPLICATION STATEMENT

OCTOBER 2022



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1 APPLICATION CONTEXT

1.1 Introduction

- 1.1.1 This statement is submitted in support of an application to amend the Development Consent Order (“the DCO”) for the Thurrock Flexible Generation Plant project (reference 2022 No.157).
- 1.1.2 The DCO was made on 16 February 2022, and came into force on 10 March 2022, and consented the development of the Thurrock Flexible Generation Plant which includes the following:
- Gas fired electricity generation of up to 620MW of gross electrical output
 - Battery storage facility with a net rated electrical output of up to 150MW for four hours
 - Electrical and gas connection infrastructure
 - Access roads, water supply, creation of common land, ecological mitigation and other infrastructure associated with the development.
- 1.1.3 The granting of the DCO in February 2022 followed a period of examination of the proposal and application documents, including the Environmental Statement, and associated technical reports and assessments.
- 1.1.4 Thurrock Power Limited were defined as the undertaker in the DCO having the benefit of the DCO.
- 1.1.5 The application for a non-material change (“NMC”) is therefore submitted by Thurrock Power Limited (“the Applicant”).
- 1.1.6 The submission of this NMC is to secure changes to the generation output and duration of the battery storage element of the facility so that instead of the battery storage facility being consented for net rated electrical output of up to 150MW for four hours, the applicant would be able deliver a battery storage facility with any combination of net rated electrical output and duration that delivers an electrical capacity of up to 600MWh, which may comprise:
- a net rated electrical output of 150MW for up to 4 hours;
 - a net rated electrical output of 240MW for up to 2 hours and 30 minutes;
 - a net rated electrical output of 300MW for up to 2 hours;
 - a net rated electrical output of 400MW for up to 1 hour and 30 minutes; or
 - a net rated electrical output of 600MW for up to 1 hour
- 1.1.7 This would retain the same maximum total MWh capacity as the consented scheme (i.e. 600MWh) but allow for flexibility in delivering the battery element of the flexible generation plant project. The Applicant would be able to construct a battery facility with a higher generating capacity over a shorter duration, or a lower generating capacity over a longer duration. This range of options is needed to allow for the applicant to achieve a financial investment decision for the battery element of the project.

1.2 Statement of Consultation

- 1.2.1 The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (as amended) (“the 2011 Regulations”) sets out requirements for consultation on non-material change applications to DCOs. Regulation 7A requires that the Applicant provides the Secretary of State with a statement setting out details of the steps the Applicant has taken to comply with these consultation requirements.
- 1.2.2 Appendix 1 of this statement sets out how the Applicant has publicised and consulted on the proposed NMC in accordance with the 2011 Regulations.

2 SITE LOCATION AND NEED FOR NON-MATERIAL CHANGE

2.1 Site location

- 2.1.1 The site for the flexible generation plant will be built on land in Thurrock immediately north of the Tilbury Substation and the decommissioned Tilbury Power Station, south of the London – Tilbury – Southend railway line.
- 2.1.2 The main development site is currently open fields crossed by steel pylons, carrying three high voltage overhead power lines and is around 20 hectares (ha) in size. Ten hectares of the site in the south is the former Walton Common, for which the Planning Inspectorate granted consent for deregistration as common land on 9 June 2022.
- 2.1.3 In addition to the main development site for the flexible generation plant, further land is included within the consented DCO for additional infrastructure including: underground gas connections; access routes, habitat creation and replacement common land.

2.2 Need for Non-Material Change

Purpose

- 2.2.1 BESS facilities provide a means of allowing electricity from the grid to be imported and stored at times of low demand/high generation, which can then be exported back into the grid at times of higher demand / system stress.
- 2.2.2 System frequency is a continuously changing variable that is determined and controlled by the second-by-second (real time) balance between system demand and total generation. If demand is greater than generation, the frequency falls while if generation is greater than demand, the frequency rises. If the transmission system is not maintained within the required frequency tolerance system stress can result in widespread power supply issues and damage to network infrastructure.
- 2.2.3 Battery storage is a key part of this energy strategy and provides National Grid with balancing services to help accommodate the increasing level of renewable energy generation.
- 2.2.4 By importing excess renewable energy from the grid and storing it, batteries can capture energy that would otherwise be lost / unutilised. In respect of their storage ability, batteries offer opportunities to support the intermittent nature of renewables by storing the excess energy they produce and importing it back into the grid when demand requires.
- 2.2.5 During situations when primary power sources (e.g. traditional power stations) are interrupted, BESSs can bridge the gap in production, thus avoiding potential blackouts. It should be noted that the UK electricity network is wholly interconnected and issues in one geographic location can have far reaching implications on the network. Accordingly, BESSs offer additional capacity to deal with system stress and any variations in grid frequency at both a local and national level.
- 2.2.6 The applicant requires flexibility in the combination of capacity and duration that it is able to deliver at the site (while being restricted to the same overall capacity of 600MWh) to best enable it to deliver the optimum combination of capacity and duration at the point of financial investment decision for the battery element of the project, which will be dependent on (amongst other consideration) market conditions and the services required by National Grid.

3 THE PROPOSED DCO AMENDMENT

3.1 Existing Work no. 1B drafting

Schedule 1 of the DCO comprises a description of the authorised development. Work no. 1B is described as follows:

“1B – Battery storage facility with a net rated electrical output of up to 150 MW for four hours consisting of—

(a) storage battery houses or containers;

(b) storage inverter containers;

(c) cooling system; and”

3.2 Proposed Work no. 1B drafting

The amended Work no. 1B in Schedule 1 of the DCO would, following the grant of the NMC, read as follows:

“1B – Battery storage facility consisting of—

(a) storage battery houses or containers;

(b) storage inverter containers;

(c) cooling system;

(d) having a combination of net rated electrical output and duration that delivers an electrical capacity of up to 600MWh, which may comprise:

(i) a net rated electrical output of 150MW for up to 4 hours;

(ii) a net rated electrical output of 240MW for up to 2 hours and 30 minutes;

(iii) a net rated electrical output of 300MW for up to 2 hours;

(iv) a net rated electrical output of 400MW for up to 1 hour and 30 minutes; or

(v) a net rated electrical output of 600MW for up to 1 hour; and”

4 ASSESSMENT OF THE PROPOSED CHANGE AND MATERIALITY

4.1 Assessment of proposed change

4.1.1 The NMC is limited entirely to amending the wording of Work no. 1B to cater for a flexibility in the combination of battery output and duration. No amendments are required to the works plans, land plans or parameters for built infrastructure.

4.1.2 An increase in the output of a battery site - even with a corresponding decrease in duration to keep the MWh capacity the same – could notionally result in increased sound levels from the battery plant assuming “like for like” technology, equipment and manufacturer. However, given that:

- the existing DCO or the noise modelling that informed it does not mandate a specific battery/technology/manufacturer;
- the noise levels will vary from supplier to supplier of battery equipment;
- the supplier for this project has not been selected;
- the existing DCO restricts operational noise - via requirement 16 - on a site wide basis (i.e. the entire flexible generation site combined);
- the applicant will need to ensure the site as a whole (with suitable measures for noise mitigation measures implemented if necessary) complies with requirement 16; and
- the gas plant – for which no amendments are proposed as part of this NMC application - will to be the dominant noise source at the site;

the proposed NMC to the battery element will not result in changes in the noise impacts of the authorised development on receptors.

4.1.3 The proposed NMC changes do not prompt consideration of any other environmental topics.

4.2 Materiality

4.2.1 The 2015 UK government guidance on changes to a DCO and their materiality is entitled “Planning Act 2008: Guidance on Changes to Development Consent Orders”.

4.2.2 Paragraphs 9-16 outlines four factors to be considered when assessing whether a change is material or non-material:

- Environmental Statement – if an updated Environmental Statement is required to deal with new or materially different likely significant effects on the environment, a change is likely to be material.
- Habitats and Protected Species - if a Habitats Regulations Assessment were required for a change, it is likely to be material.
- Compulsory Acquisition – if a change requires the compulsory acquisition of land or rights not authorised by the existing DCO is required, it is likely to be material.
- Impacts on business and residents – in some cases a change may impact local people or businesses in a way that makes it material.

4.2.3 The change does not result in impacts that require an updated ES or HRA; noise impacts are adequately restricted by the existing requirement 16 with which the scheme as a whole will be designed to comply.

4.2.4 There are no changes to the CA powers and the change to provide flexibility in how a total 600MWh of capacity is delivered would have no impacts on local people or businesses.

APPENDIX 1 – Consultation on NMC

The 2011 Regulations set out the process for publicising and consulting on non-material change applications. This comprises notification of the Planning Inspectorate of its intention to submit an application and, at the time of submission, publicising the application and sending notices to relevant parties.

Publicising the Application (Regulation 6)

The Planning Inspectorate was informed of the intention to submit the NMC on 29 September 2022. In advance of this, on 24 May 2022, the Applicant held an initial meeting with the Department of Business, Energy and Industrial Strategy, during which a full explanation of the proposed change to the DCO was provided. The Applicant also liaised with the Department over the course of September to agree the scope of the consultation for the NMC (see below).

The process of publicising the application will include notices placed in two local newspapers circulating in the locality (The Thurrock Gazette and The Gravesend Messenger), replicating the original DCO application. The newspaper notice (a copy of which is provided below), consistent with Regulation 6, provides details of the Applicant; the nature of the NMC sought; information on where the application material can be viewed/purchased; and confirmation on how and when comments can be made on the proposals.

The press notice is being published to coincide with the submission of the application, with publication of a notice in each of the newspapers taking place on Thursday 21 October and then again on Thursday 28 October, with the deadline for responses to be submitted to the Planning Inspectorate being 11:59pm on Friday 25 November 2022. An electronic copy of the notice has also been sent directly to the Planning Inspectorate to enable it to be placed on the National Infrastructure Planning project website, as required.

Duty to Consult (Regulation 7)

The 2011 Regulations allow for a reduced schedule of consultees for a non-material change application from those consulted as part of the original DCO application.

The nature of the changes to the DCO are very limited but the applicant proposed to BEIS in August 2022 to consult only those consultees who raised noise within their original application submissions, as well as electricity statutory undertakers National Grid Electricity Transmission PLC and UK Power Networks.

On 27 September 2022, BEIS confirmed that a more limited consultation scope was appropriate but requested certain additional consultees (section 42 consultees for the original application) also be included.

Therefore, the agreed list of consultees for this NMC are:

- Gravesham Borough Council
- Condozers Scout Activity Centre
- Essex County Fire and Rescue Service
- Essex Police and Crime Commissioner
- Gravesham Borough Council
- Historic England
- Kent Downs AONB
- National Grid Electricity Transmission Plc
- Natural England
- Network Rail Infrastructure Ltd
- Public Health England
- The Environment Agency
- Thurrock Borough Council

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- UK Power Networks

Notices of submission of the application are being sent by recorded post on Wednesday 19 October 2022. Where the Applicant is aware of an email address for the relevant consultee, the notice will also be sent to the email address.

Statement of Consultation (Regulation 7A)

The above details of publicity and consultation have been provided to comply with the requirements of Regulation 7A of the 2011 Regulations and are intended as the applicant's statement on the consultation undertaken for the NMC.

APPENDIX 2 – Copy of Regulation 6 Notice

SECTION 153 OF THE PLANNING ACT 2008

REGULATION 6 OF THE INFRASTRUCTURE PLANNING (CHANGES TO, AND REVOCATION OF, DEVELOPMENT CONSENT ORDERS) REGULATIONS 2011

NOTICE OF APPLICATION TO MAKE A NON MATERIAL CHANGE TO THE FOLLOWING DEVELOPMENT CONSENT ORDER:

The Thurrock Flexible Generation Plant Development Consent Order 2022

S.I. 2022 No. 157

NOTICE IS HEREBY GIVEN THAT an application has been made by Thurrock Power Limited, of 1st Floor, 145 Kensington Church Street, London, W8 7LP (“the Applicant”) to the Secretary of State for Business, Energy and Industrial Strategy (“the Secretary of State”) to make a non-material amendment to The Thurrock Flexible Generation Plant Development Consent Order 2022 (“DCO”) (“the Application”).

The Application seeks to make changes to the DCO which are not material. The proposed change is an amendment to Work no 1B in Schedule 1 of the DCO so as to allow for the battery element of the authorised DCO to deliver either the consent battery output and duration (i.e., up to 150MW at four hours duration); or up to 600MW at one hour duration; or any output between 150MW and 600MW at a duration that results in 600MWh of capacity.

A copy of the Application is available to view free of charge on the Planning Inspectorate’s website: <https://infrastructure.planninginspectorate.gov.uk/projects/south-east/thurrock-flexible-generation-plant/?ipcsection=docs&stage=7&filter1=Non-Material+Change>. It is also available to view free of charge on the Applicant’s website: <https://www.thurrockpower.co.uk/nmc-application/> until 11.59pm on Friday 25 November 2022.

For any queries in relation to the Application documents please contact the Applicant by emailing contact@thurrockpower.co.uk or calling 020 7186 0601.

A free digital copy of the Application documents can also be obtained from the Applicant using the contact details above. Alternatively, a paper copy can be obtained from the Applicant for a small charge of £25.00.

Please send any representations about the Application by email to ThurrockFPG@planninginspectorate.gov.uk or in writing to: National Infrastructure Planning, The Planning Inspectorate, Temple Quay House, 2 The Square Temple Quay Bristol BS1 6PN. Please quote “Thurrock Flexible Generation Plant project - Non-Material Change EN010092 on any correspondence.

If you have difficulty in submitting a representation by email, please contact ThurrockFPG@planninginspectorate.gov.uk or 0303 444 5000 and a member of the Planning Inspectorate’s case team will be able to assist.

Representations will be made public by being published on the Planning Inspectorate’s website at: <https://infrastructure.planninginspectorate.gov.uk/projects/south-east/thurrock-flexible-generation-plant/?ipcsection=docs&stage=7&filter1=Non-Material+Change>.

Please note that the deadline for the receipt of representations by the Planning Inspectorate is 11.59pm on Friday 25 November 2022

APPENDIX 3 – Copy of Consultee Letter



**Thurrock
Power**

A STATERA COMPANY

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+44 (0)20 7186 0601
contact@thurrockpower.co.uk
Ref: EN010092
19 October 2022

Sent via e-mail and post where contact details held

Dear Consultee

The Thurrock Flexible Generation Plant Development Consent Order 2022 (“the DCO”) – Non-Material Change (“NMC”) Application

The DCO was made on 16 February 2022 for the benefit of Thurrock Power Limited (“TPL”), consenting up to 620MW (gross rated electrical output) of gas fired reciprocating engines and 150MW (net rated electrical output) of battery storage for up to four hours duration.

The currently consented battery output and duration (i.e., up to 150MW at four hours duration) results in a capacity of 600MWh. The NMC relates solely to the battery element of the project and would allow TPL to deliver any output between 150MW and 600MW while still resulting in 600MWh of capacity (e.g., 600MW for one hour; 300MW for two hours). No other changes are proposed as part of the NMC.

The proposed changes comprise “non-material amendments” under the Planning Act 2008 and The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (as amended). Further information regarding the proposed changes is set out in the application statement that has been submitted with the NMC application.

TPL has agreed a list of consultees for the NMC application, of which your organisation is one.

Please find enclosed formal notice of the NMC application, which provides details about how to view the application documents and how to make a representation.

Yours faithfully

Thurrock Power Limited